

Resolution # TC-2063

**Adoption of Rules Regarding Travel Restrictions on State Highways,
2 CCR 601-14 ("Chain Law Rules")**

Approved by the Transportation Commission on: February 16, 2012

WHEREAS, § 43-1-106 (8)(k) C.R.S. (2011) directs the Transportation Commission of Colorado ("Commission") to make all necessary and reasonable orders, rules, and regulations in order to carry out the provisions of § 43-1-101 *et seq.* C.R.S. (2011); and

WHEREAS, § 42-4-106(5)(VII)(b) C.R.S. (2011) authorizes the Commission to promulgate rules concerning chain laws and other restrictions on highways;

WHEREAS, § 42-4-106 (5) C.R.S. authorizes the Department of Transportation to prohibit the use of highways under dangerous driving conditions to vehicles unless they are equipped with tire chains, four-wheel drive with adequate tires in order to protect the safety of the public; and

WHEREAS, the proposed amendments to the rules update existing rules effective October 30, 1996 by including in the definition of "Alternative Traction Device" a Textile Traction Device approved by the Chief Engineer that may be used in place of chains when the chain laws are in effect and when used in conformance with the manufacturer's instructions; and

WHEREAS, other amendments to the rules will provide notice of the enhanced penalties under § 42-4-106(5)(a)(II), (III) and (IV) enacted after 1996 for non-compliance with the chain laws; and

WHEREAS, on November 17, 2011, by Resolution No. TC2042, the Commission adopted emergency rules which became effective immediately in order to include the Textile Traction Device as a device that could be used in place of chains during inclement weather when the chain laws are in effect; and

WHEREAS, on November 17, 2011, within the same Resolution, the Commission delegated authority to an Administrative Hearing Officer to hold a public rule making hearing on the emergency rules following adoption in compliance with the State Administrative Procedure Act, § 24-4-101 *et seq.*, C.R.S (2011); and

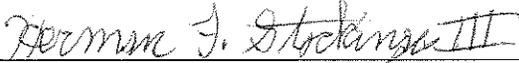
WHEREAS, on November 17, 2011, by Resolution No. TC2041, the Commission delegated authority to an Administrative Hearing Officer to hold a public rule making hearing on the permanent rules and develop a complete procedural record of the hearing; and

WHEREAS, the public rule making hearing was held on January 11, 2012 with Administrative Hearing Officer Micki V. Perez presiding; and

WHEREAS, the amendments to the Rules Regarding Travel Restrictions on State Highways, 2 CCR 601-14 further effectuate Governor Hickenlooper's Executive Order D 2011-005, which seeks to eliminate any unnecessary legal requirements on local governments by eliminating language and streamlining the rules; and

WHEREAS, the Department supports the proposed amendments in order to include the definition of Textile Traction Device in the rules and to include the enhanced penalties for non-compliance as set forth in state statute; and

NOW THEREFORE BE IT RESOLVED, after review and consideration of the rule making record and the findings of the Administrative Hearing Officer, the Commission herein adopts the proposed amendments to the Rules Regarding Travel Restrictions on State Highways, 2 CCR 601-14.



Herman Stockinger, Secretary
Transportation Commission of Colorado